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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 Horizon Lines LLC,) CV 08-6362 RSWL (JTLx)
12 Plaintiff,)
13 v.) ORDER TO SHOW CAUSE
14)
15 West Point Relocation,)
16 Inc., and Eli Cohen,)
17 Defendants.)
18

19 On July 20, 2009, this Court stayed this action
20 with regard to Defendant Eli Cohen only, granting
21 Defendant Cohen's motion to refer to the Surface
22 Transportation Board ("STB") the issue of the
23 reasonableness of Plaintiff Horizon's tariff provisions
24 [30].

25 On October 28, 2010, the STB issued a decision
26 finding the collection provision of Horizon's tariff as
27 unreasonable under 49 U.S.C. § 13701 as sought to be
28 applied to Defendant Cohen. See West Point Relocation,
Inc. and Eli Cohen - Petition for Declaratory Order,

1 Case No. FD 35290 (S.T.B. Oct. 28, 2010),
2 [http://www.stb.dot.gov/decisions/readingroom.nsf/UNID/5](http://www.stb.dot.gov/decisions/readingroom.nsf/UNID/59B58917AEC0AE26852577CA006AE36E/$file/40771.pdf)
3 [9B58917AEC0AE26852577CA006AE36E/\\$file/40771.pdf](http://www.stb.dot.gov/decisions/readingroom.nsf/UNID/59B58917AEC0AE26852577CA006AE36E/$file/40771.pdf).

4 According to its decision, the Board found that a
5 challenged water carrier tariff provision cannot hold
6 an individual responsible for a corporation's debts
7 when there was no other indication that the individual
8 had expressly agreed to assume that obligation. Id.

9 Accordingly, Plaintiff Horizon is therefore **ORDERED**
10 **TO SHOW CAUSE** within ten days of the issuance of this
11 Order as to why this matter should not be dismissed
12 with regard to Defendant Eli Cohen only, as a result of
13 the STB's October 28, 2010 decision.

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15 DATED: November 5, 2010

16 **IT IS SO ORDERED.**

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HONORABLE RONALD S.W. LEW
19 Senior, U.S. District Court Judge
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